

FILED

JUN - 1 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALLEN MICHAEL HARPER,

No. C 05-1354 MHP (pr)

Plaintiff,

ORDER OF DISMISSAL

v.

COUNTY OF ALAMEDA; et al.,

Defendants.

Allen Harper, currently housed at a facility in Coalinga, California, filed a pro se civil rights complaint under 42 U.S.C. § 1983 concerning conditions of confinement at Alameda County Jail where he was housed pending civil commitment procedures under California's Sexually Violent Predator Act ("SVPA"). He also applied to proceed in forma pauperis. The court reviewed his complaint and dismissed it with leave to amend, giving specific instructions about various pleading deficiencies. Harper thereafter filed an amended complaint, which is now before the court for review pursuant to 28 U.S.C. § 1915.


The amended complaint failed to cure most of the deficiencies identified in the order of dismissal with leave to amend. The amended complaint did not allege facts showing Harper's entitlement to relief and failed to identify in each claim each and every defendant who he proposed to hold liable. Instead, his amended complaint presents the same problem as the original complaint: lumping all the defendants together, providing a laundry list of

1 problems and incorporating by reference all the facts into all the legal claims (apparently
2 against all the defendants). He also did not adequately allege municipal liability. As was the
3 case with the original complaint, it would be unfair to require defendants to attempt to frame
4 a response to the extremely non-specific amended complaint. Although the amended
5 complaint is shorter than the original complaint, it repeats the same problems the court
6 identified earlier.

7 This action is now DISMISSED without prejudice because it failed to cure the
8 deficiencies identified in the order of dismissal with leave to amend and failed to set forth a
9 short and plain statement of the claim showing that the pleader is entitled to relief. Further
10 leave to amend will not be granted because the court has already explained the deficiencies
11 and plaintiff was unable to cure them. The clerk shall close the file.

12 IT IS SO ORDERED.

13 Dated: May 31, 2006


Marilyn Hall Patel
United States District Judge